

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Dawn Barnes,

Plaintiff,

v.

South Carolina State University,

Defendant.

Civil Action No.: 5:23-cv-4449-SAL

NOTICE OF REMOVAL

YOU ARE HEREBY NOTIFIED that, pursuant to 28 U.S.C. §§ 1331, 1367 1441 and 1446, South Carolina State University (“SCSU”) hereby removes the above-referenced action previously pending in the Court of Common Pleas for the First Judicial Circuit, Orangeburg County, South Carolina, as Civil Action Number 2023-CP-38-00918, to the United States District Court for the District of South Carolina, Orangeburg Division, on the following grounds:

I. Removal is Timely

Plaintiff Dawn Barnes (“Plaintiff”) originally filed a Complaint in this action on or about June 30, 2023, and Defendant submits that this Notice of Removal is timely filed as it was served with a copy of the Complaint on August 4, 2023 within the thirty-day period before the filing of this Notice of Removal.

II. Procedural Requirements for Removal

A true and correct copy of all process and pleadings served to date are attached hereto as Exhibit A and are being filed along with this Notice of Removal. Written notice of the filing of this Notice of Removal and of the removal of the above-referenced action is being delivered to Plaintiff through her counsel of record. A copy of this Notice of Removal will be filed promptly with the Clerk of Court of the Court of Common Pleas for Orangeburg County, South Carolina.

III. Venue

Venue lies in this Court because Plaintiff's action is pending in this District and Division.
See 28 U.S.C. § 1441(b).

IV. Statement of Statutory Basis for Jurisdiction

This action is within the original jurisdiction of the United States District Court pursuant to 28 U.S.C. § 1331, which vests federal district courts with original federal question jurisdiction over all “civil actions arising under the Constitution, laws, or treaties of the United States.” Specifically, this case is properly removed to this Court because Plaintiff has alleged that Defendant discriminated and retaliated against her in violation of Title VII of the Education Amendments of 1972, (20 U.S. Code § 1681, *et seq.*) and the Equal Pay Act of 1963 (29 U.S.C.S. § 206 *et seq.*). (*See, e.g.*, Compl. ¶¶ 104-122). Subject matter jurisdiction, therefore, exists pursuant to 28 U.S.C. §1331 (federal question) and pendent jurisdiction over the state law causes of action South Carolina Whistleblower statute and defamation – pursuant to 28 U.S.C. §1367. (*See, e.g.*, Compl. ¶¶ 90-102).

V. Conclusion

Wherefore, Defendant hereby removes this matter from the Court of Common Pleas of the State of South Carolina, Orangeburg County, to the United States District Court for the District of South Carolina, Orangeburg Division, pursuant to 28 U.S.C. §§ 1331 and 1441.

Dated this 5th day of September, 2023.

[Signature page follows]

Respectfully submitted,

s/ Richard J. Morgan

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